



South Dakota



south dakota
DEPARTMENT OF EDUCATION

Learning. Leadership. Service.

Special Education Advisory Panel (SEAP)



Technical Assistance for Excellence in Special Education
a division of the CENTER for PERSONS with DISABILITIES at Utah State University

October 20, 2020
Pierre, SD

Norman Ames

Director - Center for Technical Assistance for Excellence
in Special Education (TAESE)

- **Technical Assistance Provider**
- **School District Administrator**
- **Building Administrator**
- **School Psychologist**
- **Parent of a SWD**



Major Centers and Projects



WestEd - Prime
TAESE - Partner



- > SEA Monitoring
- > Low Incidence Disabilities
- > Mental Health



- SPP/APR
- Fiscal Issues
- IDEA Data



Technical Assistance for Excellence in Special Education
With the Technical Assistance Division of the Center for Persons with Disabilities



Conference Planning and Implementation Center



Interpreter Mentoring Education and Training (IMET)



Utah Northstar Mentorship Project

Center on Educational Recruitment and Retention



Arizona Center for Professions in Education (ACPE)

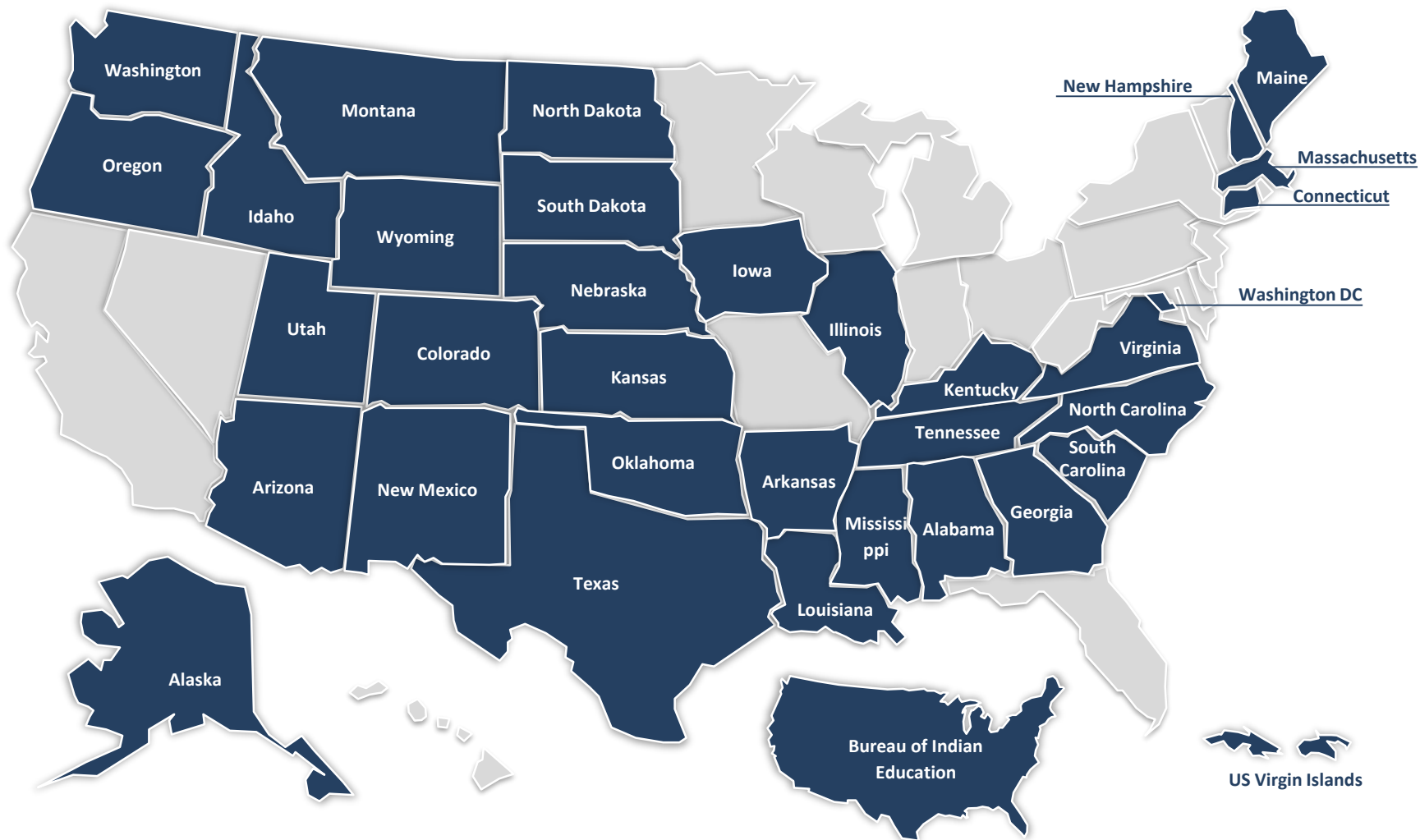


North Dakota Employment Bulletin Board



DISPUTE RESOLUTION IN SPECIAL EDUCATION (15 STATES)







Disclaimer

- TAESE does not provide legal advice
- All slides and the Primer are the intellectual property of TAESE



DISCLAIMER



Welcome

Thank you for all
you do for children
with disabilities.





- Introductions
- Review of Agenda and Materials



Purpose

Provide a general orientation for Special Education Advisory Council members regarding their roles and functions based on IDEA Part B including membership, functions, by-laws, and meeting procedures.



Getting everyone on the same page

Requirements and Best Practice



Varying Terminology



Panel

Board

Committee

Council



SD SEAP By-Laws

SD's By-laws

Special Education Advisory Panel

By-Laws

*Revised
January 2020*





Congratulations

The State Special Education Advisory Panel has a great deal of influence for improving results for children and youth with disabilities.



Take your role seriously and try to attend all meetings. Your voice is important.

“Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it’s the only thing that ever has.”

Margaret Mead

**Promoting
Positive Change**





Panel Efforts – 40+ years

Advisory Panels have been in existence since 1975 and have contributed to progress and improvement in special education and services for children with disabilities.





Key Role of the Advisory Panel

“Never before has there been such an emphasis and support for State Advisory Councils promoting the potential role that they can play in improving programs and services for children and youth with disabilities”

OSEP



Representation

You are representing your entire stakeholder group and all children and youth with disabilities in the state.





Panel Goal

***Keep the
Main Thing
the Main
Thing:***

**Children and Youth
with Disabilities**





The Orientation

Our plan for today:

- **Why** you are here
- **What** you should do
- **How** you can do it





Section I

Why You Are Here



Part One

WHY
ARE
WE
HERE?



Purpose of the Panel



State Advisory Panel

(CFR 300-167)

The purpose for the Panel is providing policy guidance for special education and related services for children with disabilities in the State.





IDEA Regulations Relating to the Advisory Panel

IDEA 2004 Sec. 612 – State Eligibility and Section 1412(a)(21)

Establishment	CFR 300.167
Membership	CFR 300.168
Duties/Functions	CFR 300.169
Due Process	CFR 300.513/514
Waiver	CFR 300.164 (c)(4)
Disproportionality	CFR 300.647



Differences

Each State approaches the Advisory Panel differently. There is no right or wrong way, except the importance of adhering to federal and State regulations relating to Council purpose, membership, and functions.

TMAA

Tell me about
acronyms



Know Your Acronyms



SEA = State Education Agency

LA = Lead Agency

LEA = Local Education Agency

OSEP = Office of Special Education Programs

OCR = Office for Civil Rights



Know Your Acronyms

ESEA = Elementary and Secondary Education Act

ESSA = Every Student Succeeds Act

IDEA = Individuals with Disabilities Education Act

Part B = Special Education—School-Aged Children

Section 619 = Special Education—3–5 Years

Part C = Special Education—Birth–Two Years





Know Your Acronyms

Section 618 = Data Requirements in IDEA
SPP = State Performance Plan
APR = Annual Performance Report
SSIP = State Systemic Improvement Plan
SiMR = State-identified Measurable Result





Know Your Acronyms

SEAP/SAP= State Special Education
Advisory Panel under Part B

ICC = Interagency Coordinating Council
Under Part C





Present Respectful Terminology

- ✓ People First Language
- ✓ Access
- ✓ Equity
- ✓ Inclusion
- ✓ Disabilities
- ✓ Developmental Delay

Language Matters!





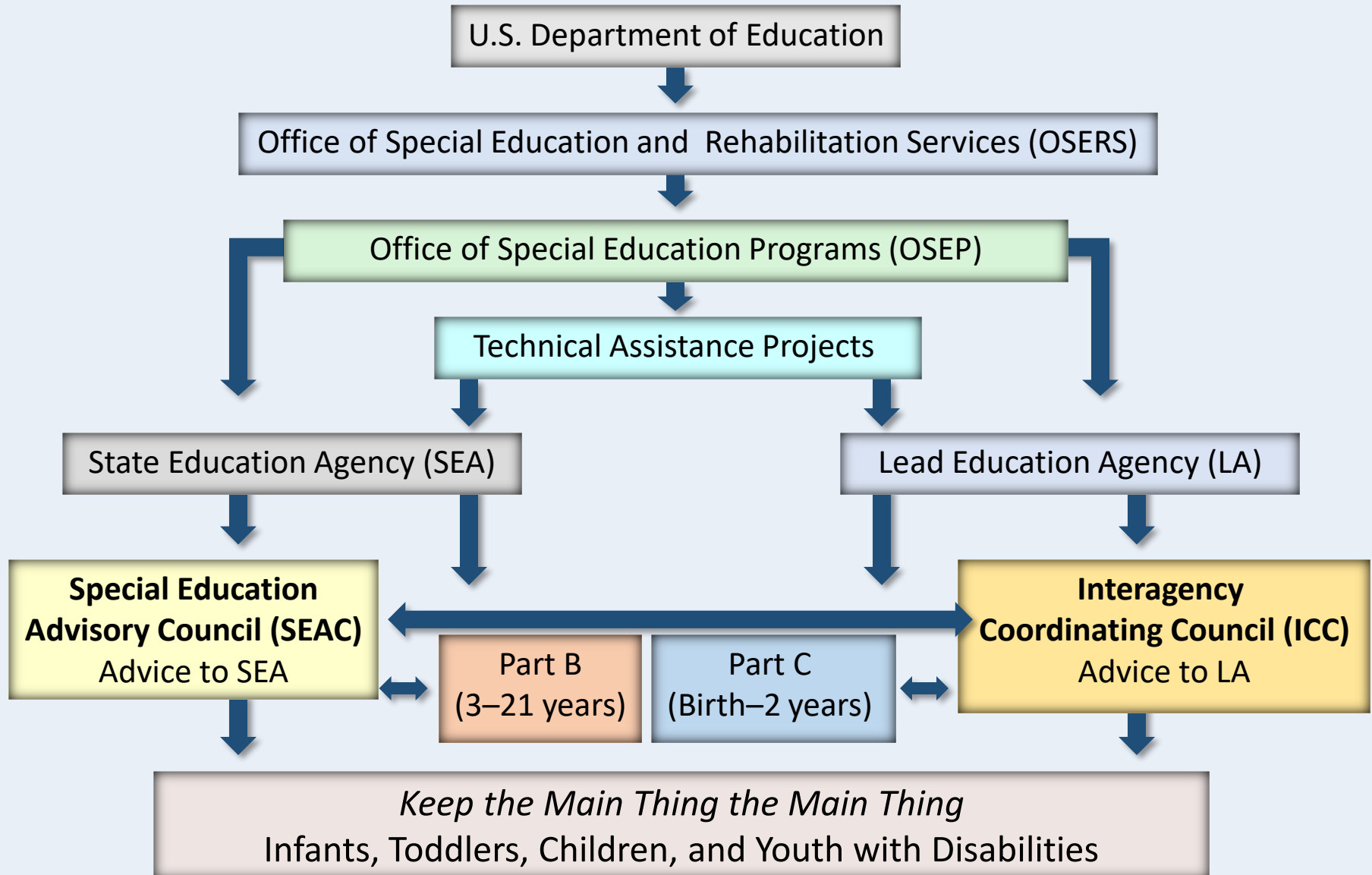
General Education First

Remember...

1. All students are general education students first.
2. Special education is not a place or program. It is support and services for those who are eligible.



The Big Picture





Part Two

A Brief History of Special Education

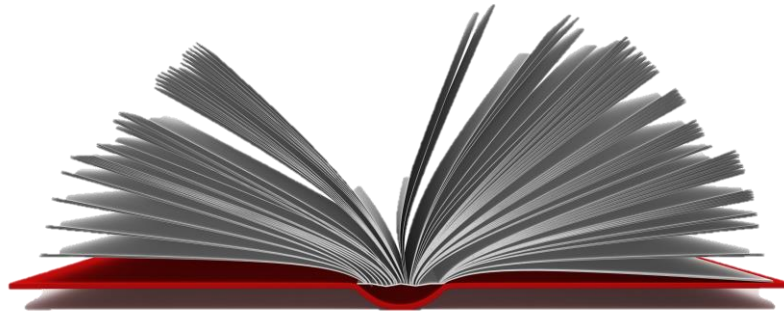




History is Important

- Exclusion
- Institutionalism
- Parents' Movement
- NCLB
- Civil Rights – 504/ADA

- Inclusion
- Mainstreaming
- Student Rights
- ESSA
- MTSS/RTI



The Legislative History of Special Education

Pending Reauthorization

IDEA Amendments of 2004

P.L. = Public Law
108 = Congress Number
446 = Number of Laws passed
during this session

Part C

Part H

Section 504

ESEA = ESSA (2016)

Public Law 108-446 (IDEA 2004)

NCLBA—2001 (ESEA)

Public Law 105-117—1997 (IDEA)

Public Law 102-119—1992 (IDEA)

Public Law 101-176—1990 (IDEA)

Public Law 99-457—1986 (EHA)

Public Law 98-199—1983 (EHA)

Public Law 94-142 —1975 (EAHCA)

Public Law 93-380—1974 (EHA)

Public Law 91-230—1970 (EHA)

Public Law 90-247—1968

Public Law 89-750—1966 (ESEA)

Public Law 89-313 — 1965

Public Law 89-10 — 1965 (ESEA)

RESULTS

ACCOUNTABILITY

FAPE = IEP in LRE

PROCEDURAL SAFEGUARDS

PHYSICAL ACCESS



IDEA 2004 Reauthorization

IDEA (2004)

(16 years and waiting)





Section II

What You Should Do



Part Three

(CFR 300.168)

Membership and Organization of the Panel





Membership of Panel

The membership of the State Advisory Panel must consist of members appointed by the Governor or any other official authorized under State law to make these appointments.

CFR 300.168(b)



Council Membership Demographics

Members are representative of the State population demographics and composed of individuals involved in, or concerned with, the education of children and youth with disabilities.

Cultures

Rural/Urban

Gender





Special Rule – 51%



The **majority** of the members of the Panel must be individuals with disabilities and parents of children with disabilities.

CFR 300.168(b)



IDEA

Membership of Panel

- Parents of children with disabilities ages ***birth through 26***
- Individuals with disabilities
- Teachers
- Representatives of institutions of higher education
- State and local education officials
- Administrators of programs for children with disabilities
- State representatives from ***Child Welfare responsible for foster care***

** State regulations can go above federal requirements.*

- Representatives of other State agencies
- Representatives of private schools and public charter schools
- At least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities
- Representatives from the State juvenile and adult corrections agencies
- ***State and local officials that represent homeless children***

CFR 300.168 (c)(1-11)



Section 504

Parents of a
child served
under Section
504

(See OSEP Letter)





Member Tenure

Addressed in the Panel by-laws

- Membership Requirements
- Appointments
- Resignations
- Tenure





Tenure

Most States have a tenure of three years and a maximum of two terms. It is important for a Panel to turn over and involve new individuals.

Some State agency categories are difficult to fill.

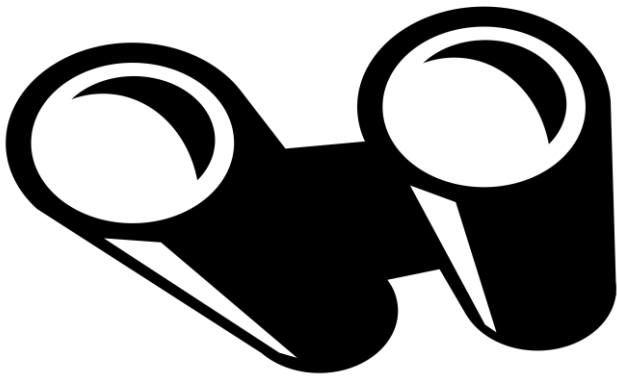




State Panel Membership

State By-laws

What Do Your By-Laws Say?



201405010000 - 543313402



Important Priorities for Panel Members

- Read the by-laws
- Attend the meetings
- Do your homework prior to the Panel meeting
- Represent your stakeholder group
- Participate
- Work as a team
- Support each other
- Make a difference





Training and Orientation

It is important to provide training and orientation to all new members annually. Some Panels provide training to all members each year.





Suggested Council Resources

Important

- Panel By-laws
- Open Meeting Requirements
- State Organizational Chart
- Panel Annual Report
- SEA Information/Staff
- Acronyms
- Meeting Schedule
- Reimbursement Info

As Needed

- SAP Website
- Federal Regulations
- State Regulations
- Access to SPP/APR/SSIP
- Level of Determination Letter
- History of Special Education
- General Supervision Information



Executive Committee

Chairperson

Vice Chairperson

Secretary



State Director provides support to the executive Committee.



State By-laws

What do they
say?





Suggested Roles: Chairperson

- Preside at all meetings
- Call all meetings
- Be an ex-officio member of all other committees
- Perform other duties pertaining to the office

Standing Committees

State By-laws

Some states have “standing committees.” Other committees may be formed at the discretion of the Panel Chair.



Membership



Operating Procedures



Public Comment



Dispute Resolution



Family Engagement



Part Four



Representing Your Stakeholder Group



Representation

Significant contribution:
representing your stakeholder group.



Consider:
methods to facilitate ongoing communication between Panel members and their stakeholder group.



Challenge

**There might be times when
your opinion is different than the
stakeholder group
you are representing.**

Your voice should be their voice.



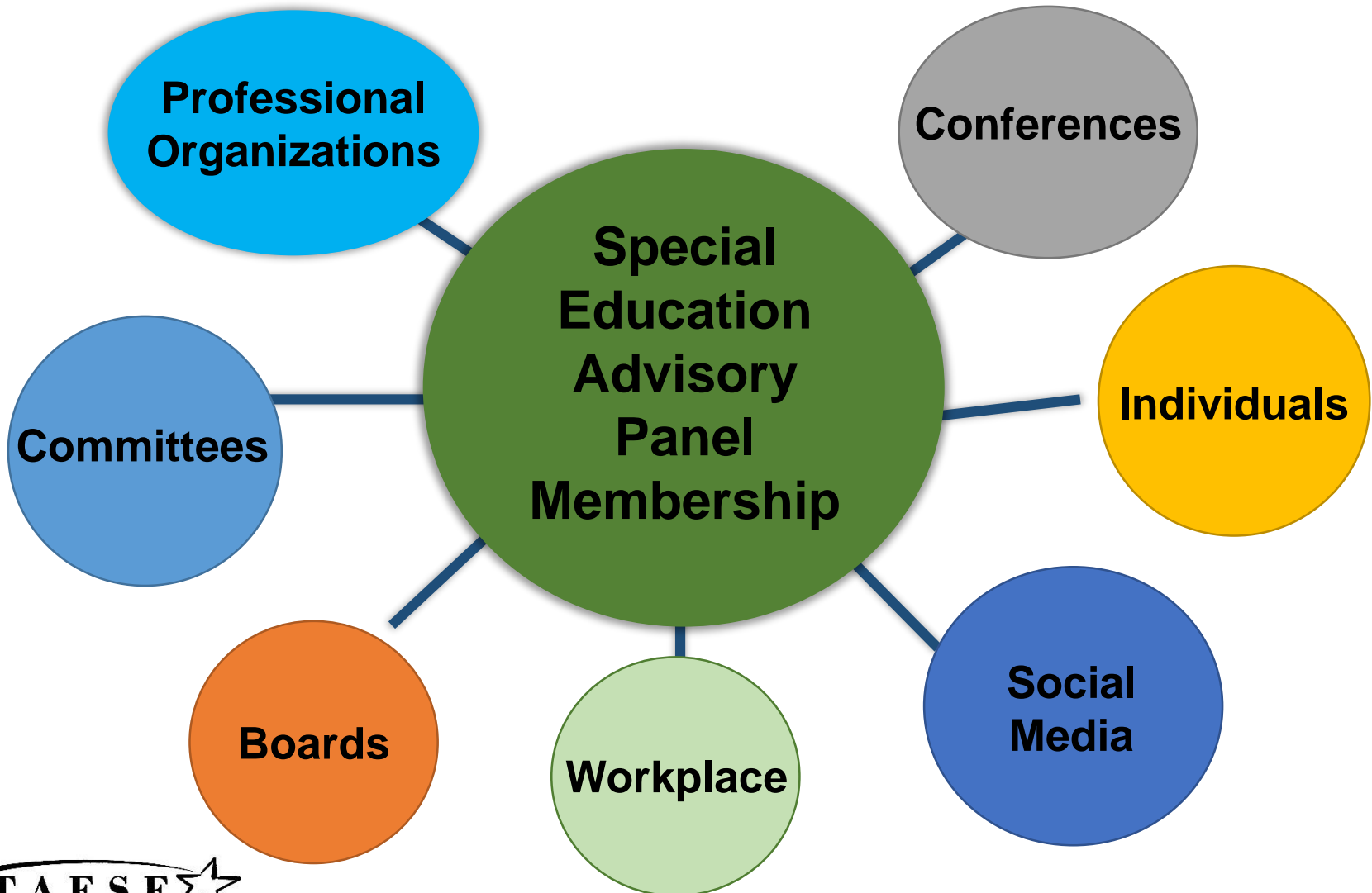
Representation

How do you represent your stakeholder group?





Reaching Out for Stakeholder Input





Part Five

Role of Panel:

Advocacy vs.
Advisory

**Providing Advice
that Results in
Improvement**



CFR 300.167



Meaningful Work

The Panel should be actively involved in meaningful work and providing advice to the SEA.

A Working Panel





Advisory Panel

Serves as ***advisory*** to the State Office of Education, Special Education Unit, and/or directly to the State Superintendent or State Board of Education.



Check your State regulations.

“An advisory group regularly gives suggestions and advice to organizations, especially about a particular subject or area of activity.”



Define and Clarify

Advisory

≠

Advocacy



Advocacy

To take sides
To support something
To plead your case/position
To favor a position
To argue



Not a Panel Role!



Advocacy

**There is a place for advocacy
at Panel meetings.**



Advocacy

There are groups in the State whose purpose is advocacy.

1. Protection and Advocacy
2. Disability Organizations
3. Professional Organizations





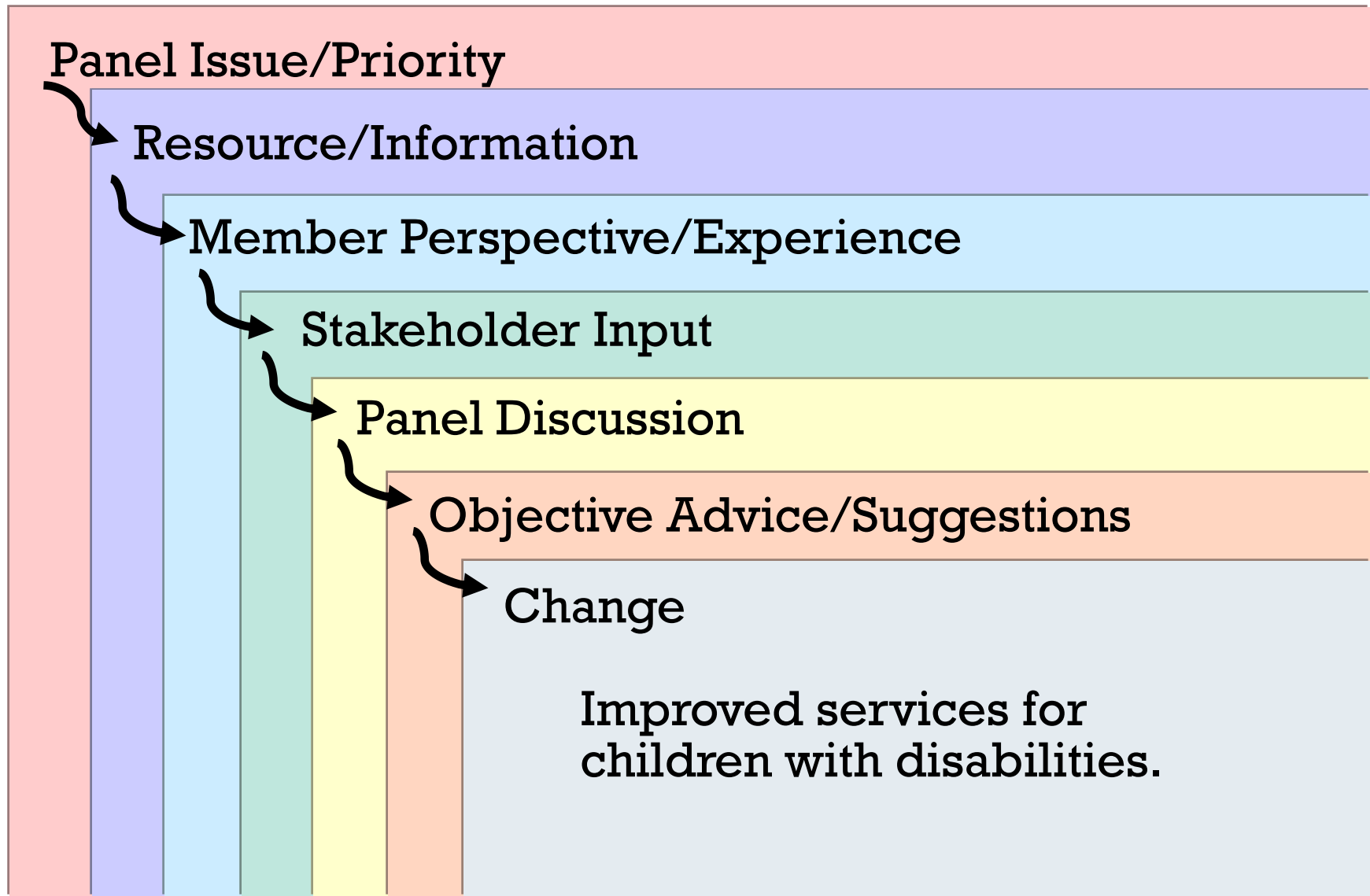
Advisory

- To give advice
- To inform
- To counsel
- To recommend
- To suggest
- To guide



A Panel Role!

Exercising Advisory Responsibilities

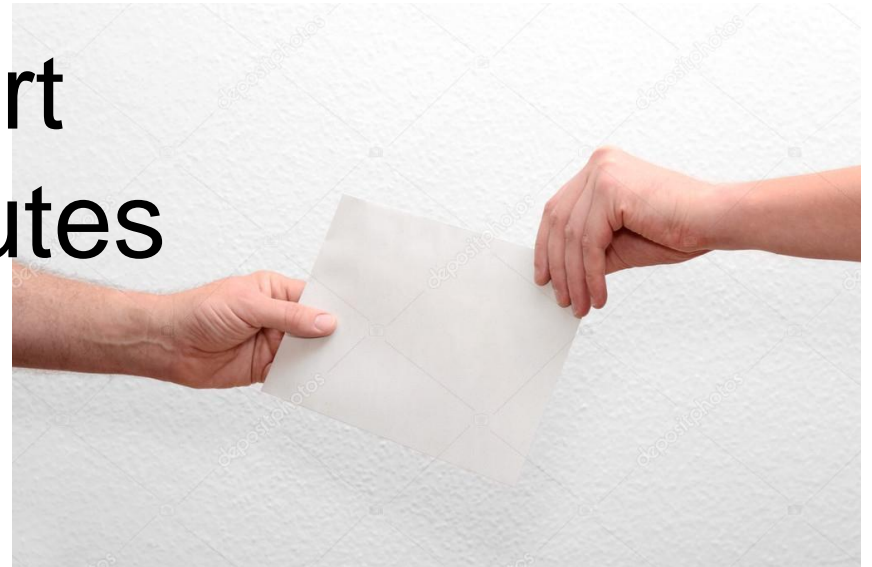




Providing Advice

Methods to Provide Advice:

- Position Papers
- Memos
- Annual Report
- Meeting Minutes





Providing Advice One Pager

Provide a one page summary of advice and recommendations made during Panel meetings.

Later, you can use it in the Annual Report





State Director

Best Practice:

Notify and receive approval from the Director before taking advice to another person and/or agency.

Key Person → State Director





Part Six

Role of the State Director





State Director

Provide support to the State Director

The job of the State Special Education Director is one of the most difficult and challenging positions in education.

General
Supervision

IDEA
Regulations

SPP/APR/SSIP

Dispute
Resolution

Needs of
LEAs

Legislative
Duties



Role of the State Director to the Panel

- Serve as an ad hoc member (non voting)
- Support the Panel in carrying out their functions
 - Assist with agenda development
- Provide relevant and current information to the Panel
 - Topical Issues
 - State-of-the-state
 - Levels of determination
- Provide feedback regarding Panel advice and suggestions



Part Seven

CFR 300.169

Understanding the Advisory Panel Functions Under IDEA





Functions *(CFR 300.169)*

Have a working understanding of the eight functions under IDEA. All Panel activities should relate to one or more of the functions.





Advisory Panel Function

1

Advise the SEA of **unmet needs** within the State in the education of children with disabilities.

CFR 300.169(a)

Examples:

- a) Training educators on working with children with autism
- b) Students not being adequately served in juvenile and adult correctional facilities



Advisory Panel Function

2

Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities.

CFR 300.169(b)

Example:

The federal law is reauthorized and the State makes revisions to their regulations



Advisory Panel Function

3

Advise the State in developing evaluations and reporting on **data** to the Secretary under Section 618 of the Act.

CFR 300.169(c)

Examples

- The SEA is reviewing and refining APR improvement strategies
- Upon completion of a State and school district data analysis, it was concluded that students with disabilities had lower graduation rates than students without disabilities.



Advisory Panel Function

4

Advise the State in developing **corrective action plans** to address findings identified in federal monitoring reports under Part B of the Act.

CFR 300.169(d)

Example

The State has just experienced an OSEP visit and was found to be in noncompliance on various fiscal issues...



Advisory Panel Function

5

Advise the State in developing and implementing policies relating to the **coordination of services** for children with disabilities.

CFR 300.169(e)

Examples:

- a) The SEA is proposing a new MOU with the Department of Corrections
- b) The SEA is revising its MOU with the Department of Health



Advisory Panel Function

6

The SEA, after deleting personally identifiable information must

- Provide the Advisory Council with the **DPH findings and decisions** and
- Make those findings and decisions available to the public.
CFR 300.513(d) & 300.514(c)

Examples

- a) DPH decisions identify consistent issues.
- b) The SEA has experienced a spike in DPHs



Advisory Panel Function

7

Waiver of **nonsupplant requirement**. State must consult with the Advisory Council regarding provisions of FAPE.

CFR 300.164(c)(4)

*Rarely an issue



Advisory Panel Function

8

Determining Disproportionality

States retain discretion to determine the risk ratio threshold above which disproportionality is significant, so long as that threshold is reasonable and based on advice from their stakeholders, including their State Advisory Councils.



Section III

How You Can Do It



Part Eight

Advisory Panel

- By-Laws
- Meeting Procedures

**KNOW THE
RULES!**





Suggested By-Laws Content

- Name
- Open Meeting Requirements
- Membership
- Tenure of Members
- Resignation of Members
- Agenda Building
- Roles & Responsibilities
- Compensation and Expenses
- Confidentiality Statement
- Officers
- Meeting Procedures
- Duties/Purpose
- Annual Report
- Quorum Definition
- Subcommittees
- Voting Procedures

Good practice:

Review and revise by-laws each year with Panel members



Open Meeting Laws

- Adhere to State Open Meeting laws
- Announce meetings and agenda items in advance
- Meetings must be open to the public





Open Meeting Law - Why?

- Protect and inform the public
- Maintain integrity of government
- Build trust between government and citizens
- Establish consistent procedures for all public meetings





Guests

Separate seating section for guests and
non-panel members





Good Meeting Procedures





Effective Meetings



"And should there be a sudden loss of consciousness during this meeting, oxygen masks will drop from the ceiling."



Agendas

- Collaborative agenda development
- Send agenda to members in advance of meeting
- Include the Panel functions on the agenda
- Hold virtual planning meetings, as appropriate





Possible Agenda Content

- Review of Agenda
- Review of Minutes
- Old Business
- New Business
- Public Comments
- State Performance Plan
- Committee Reports
- Levels of Determination Update
- Report from the Director
- Report on Priority Issues
- Public Input
- Advice/Recommendations

Good idea:
include Panel Functions on the back of the agenda



Materials and Handouts



Send Panel Members:

- ✓ Agenda
- ✓ Handouts
- ✓ Last meeting minutes



Consensus Is...

Consensus is finding an acceptable proposal that all members can support

Members might not get everything they want, but enough to publicly support the effort





Consensus is Not...

- A unanimous vote
- A majority vote
- A vote of any kind
- 100% satisfaction





Confidentiality - FERPA

Avoid names of

- Individual students
- Parents
- Staff members

**Be Confidential,
especially with Names**

Good idea:

Annual in-service on privacy and confidentiality



Compensation

The Advisory Panel shall serve without compensation, but the State must reimburse the Panel for reasonable and necessary expenses for attending meetings and performing duties.



Virtual Participation

Conference Calls

Video conferencing





Virtual Participation

- Chairperson — Acknowledge and introduce those who are attending virtually
- Use video if possible
- Check in after each main discussion
- Address virtual participation in by-laws





Interpreters



If needed, interpreters and other necessary services must be provided at Council meetings for Panel members or participants. The State should pay for these services.



Public Input

- Guest seating area
- Sign-in sheet
- Written or verbal options available
- Website
- Make “public comment” a standing agenda item
- Set ground rules for public input
- Offer a toll-free phone number



Public Input Written Form

Name_____ Position _____

Issues to discuss:

Facts/data:

Suggestions to improve:

Positive items:



Public Input Best Practice

- Provide notice to the public in advance of the Panel meeting
- Specify a consistent time on the agenda for public comment
- Set aside around 5-10 minutes on the agenda for public comments
- Public comment can be verbal or sent in written form to be read by the Panel chairperson



Public Input – Best Practice

- Limit public comment to no more than 2 to 3 minutes per individual
- Ask individuals to:
 - be factual and objective
 - avoid using names of students or school staff
 - maintain confidentiality and privacy standards
- Assure that input will be taken under advisement





Minutes

Official minutes must be kept on all Panel meetings and must be made available on request.



* Post on website



Minutes – Best Practice

- Keep minutes brief and to the point
- Include all motions
- Include section for “advice”
- Send prior meeting’s minutes in advance of the upcoming meeting
- Follow-up on next steps or action items



Part Nine

Panel Priorities





Annual Priority Setting

- Annual plan
- Limited number of issues





Which Annual Priorities?

- Study current and emerging critical issues impacting services for children with disabilities
- Look beyond the State to regional and national trends
- Ask for input from other SEA/Panel members
- Examine data from:
 - Dispute resolution
 - Monitoring
 - Levels of determination
 - Submitted data
 - SSIP
 - SPP/APR
- Focus on 3-4 annual priorities.

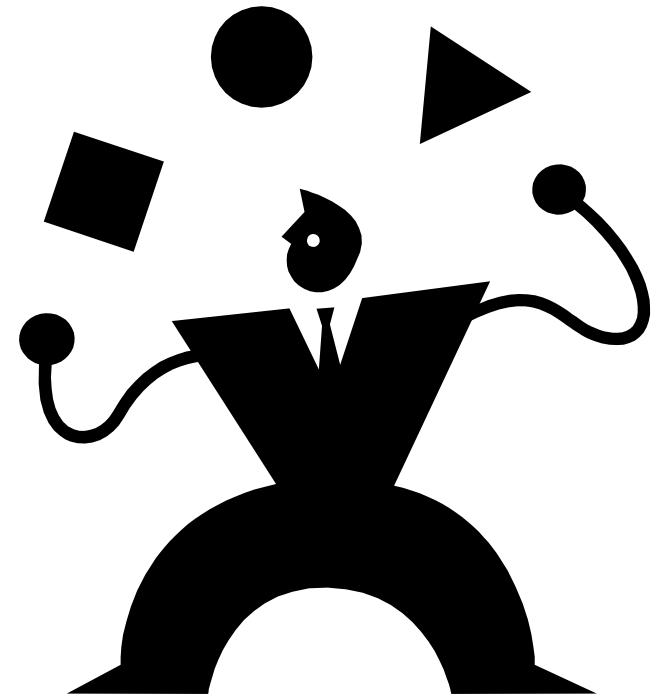




Setting Priorities

Avoid the temptation of taking on too many tasks

Focus on a few items that will make the greater difference





Part Eleven

Annual Report





Activities & Advice to SEA

Not in regulation, but in best practice

The Advisory Panel submits an annual report of Panel activities and advice to the State.

**YEAR IN
REVIEW**

Addressed in by-laws
Usually July 1



Annual Report

**Annual reports
should be
meaningful and
useful**





Annual Report

Written by

- Panel or
- Panel and SEA.

**Disseminate and
post on website**





Annual Report Issues

- Annually
- Reflects **advice** on priority issues
- Advice based on data, sound information, and consensus
- Role with SPP/APR, Levels, and SSIP
- Assign one or two individuals the task of writing the report
- User-friendly and short
- Disseminate hard copy and on the web
- Review at first meeting of new year





Annual Report – Suggested Content

Panel Name/Purpose and Functions

Schedule of Meetings

Message from Chairperson

Priorities Addressed

Resources/Data/Information Used

Involvement with SPP/SSIP/APR

Advice/Guidance to State

List of Panel Membership

Anticipated Membership Vacancies for Next Year

Emerging Issues for Next Year



Annual Report – Collaboration



**Consider a joint annual report
with the ICC**



Part Ten

The Federal Perspective

Emerging Issues

Reauthorization

General Supervision

Accountability

SPP/APR/SSIP/SiMR

RDA





Emerging Issues

- **Dispute Resolution**
- **Youth in Custody**
- **Mental Health**
- **FAPE – defined**
- **Recruitment/Retention**
- **Differentiated Monitoring**
- **Disproportionality/risk ratios**





Reauthorization of IDEA

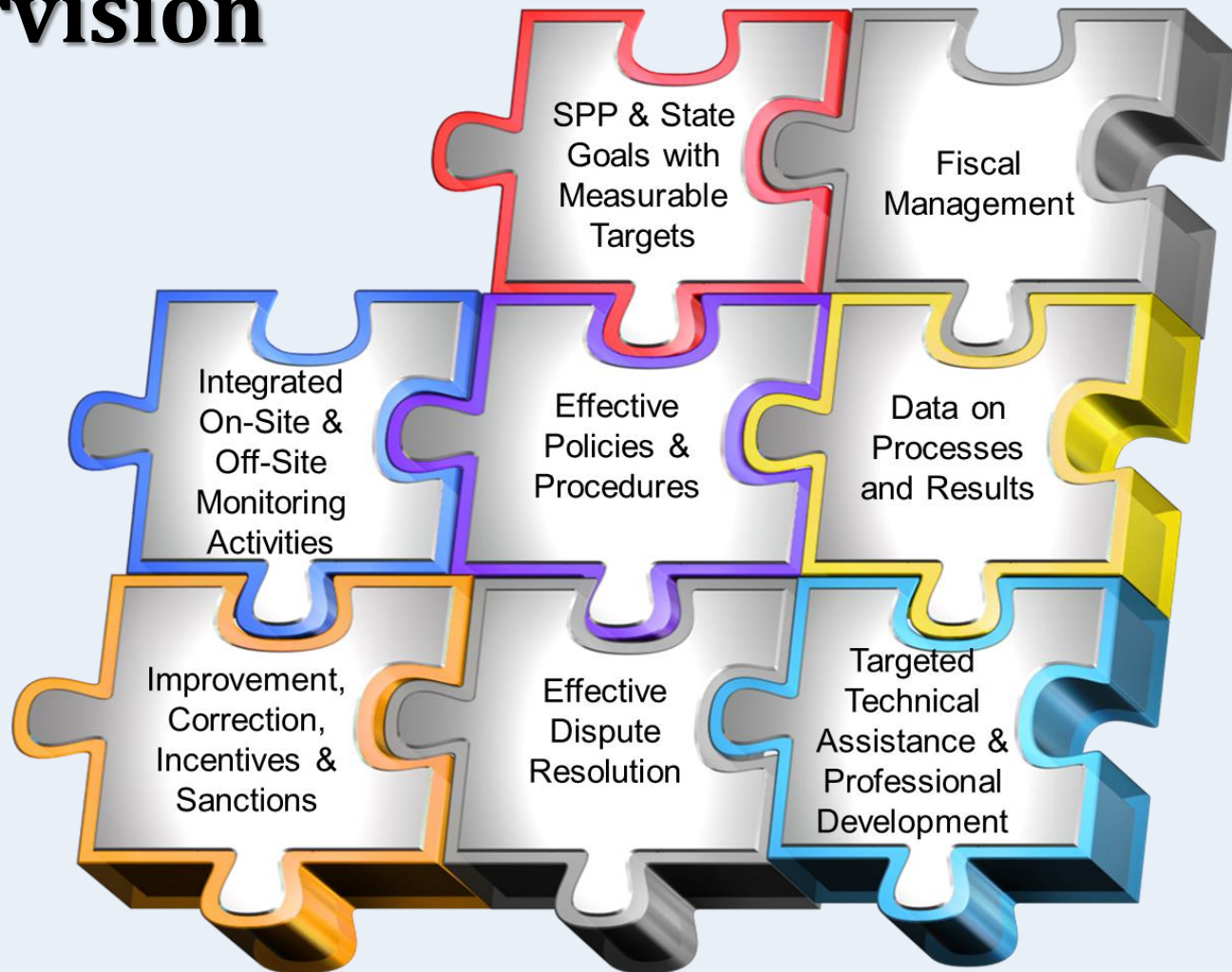
Panel has the opportunity to submit a written statement regarding the reauthorization or other emergent issue

What is working

Suggested changes to improve IDEA



Components of General Supervision





State Performance Plan and Annual Performance Report

SPP is a long range plan for SEA

Annual Review of SPP

February of each year

High stakes

Relates to SEA level of determination



Levels of Determination

300.603(b)(i-iv)



Meets Requirements



Needs Assistance



Needs Intervention



Needs Substantial Intervention

Know and understand your State Level of Determination

Understand how the results indicators factor into your State's determination



Part Eleven

Partnering with Part C/619 (0-2)

Infants and Toddlers





Part C / Section 619/Part B

Part C (Birth to 2 years)



Interagency
Coordinating
Council (ICC)

Establish a membership link between the...
ICC and Panel

Section 619
(3–5 years/Preschool)



Part B (School-age Children)

State Special
Education
Advisory Panel



Partnership



Part C + Section 619 + Part B



Collaboration : Part C/Section 619/Part B

Good Practice:

- Try to meet together annually
- Partner on common SPP indicators
- Early childhood section of Annual Report
- Section 619 coordinator - a bridge





Part Twelve

Hot Topics in Special Education that could Impact Advisory Councils





Hot Topics

1. Provision of Services during Pandemic



2. Mental Health



3. Leadership in Special Education



4. Vouchers, Private & Charter Schools



5. Dyslexia



Hot Topics

6. Recruitment and Retention of Qualified Staff



7. Implementation Science



8. IDEA Reauthorization



9. Drug/Substance Addiction



10. Youth in Custody



Part Thirteen

Summary and Conclusion





Advisory Panel Effective Practices

Close working relationship with the
State Director

Membership orientation

Advisory, not advocacy in nature

Meaningful work

Annual meeting to set priorities

Priorities determined by Data (SPP/APR/SSIP, etc).

Ongoing communication between SEA, Panel, and
Executive Committee



Advisory Panel Effective Practices

Part C connection

Support SEA's improvement efforts

Established by-laws for Panel operation

Dedicated SEA support staff

Meetings four to six times per year

Collaborative agenda building

In-service regarding confidentiality

Awareness brochure

User-friendly annual report

Focus on the results indicators



Important Priorities for Panel Members

- Read the by-laws/Operating Procedures
- Attend the meetings
- Do your homework prior to the Panel meeting
- Represent your stakeholder group
- Actively participate
- Work as a part of a team





National SEAP/ICC Website

<https://collab.osepideasthatwork.org/sap-sicc//>

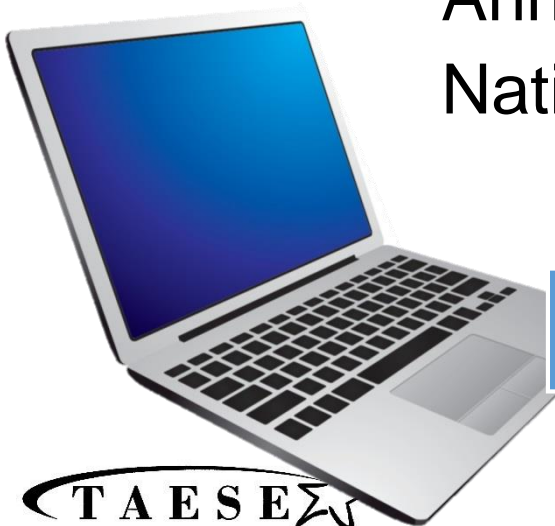
Access to State SEAP/SEAC and ICC websites

Panel/ICC Information/Resources

Announcements

National SEA/SEAP Quarterly Webinars

Next Webinar is – Check Website!





Teamwork



If you want to go fast, go alone. If
you want to go far, go together.

African proverb



One Person Can Make a Difference



Your ideas will make a difference!



Questions or Comments?



A group of approximately 18 diverse children of various ethnicities and ages are smiling and posing behind a large, rectangular wooden sign. The sign has a blue background and white text. The children are standing in two rows, with some holding the sign. The background is a light-colored, textured wall.

**Keep the main thing
the main thing!**

Thank You!



UtahStateUniversity
CENTER FOR PERSONS WITH DISABILITIES

This document was developed by the Center for Technical Assistance for Excellence in Special Education (TAESE) of the Center for Persons with Disabilities, University Center for Excellence in Developmental Disabilities in the Emma Eccles Jones College of Education and Human Services at Utah State University.

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